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Sen. Van Woerkom expects swift action on property-rights amendment

LANSING – Sen. Gerald Van Woerkom, R-Norton Shores, said he expected swift approval of a newly proposed state constitutional amendment that would prevent local governments from seizing private land to turn over to developers.

Following the U.S. Supreme Court decision in the Kelo v. City of New London case, which allowed the seizure of private property for private economic development projects, lawmakers have put together a plan to help protect the rights of Michigan's private property owners.

Van Woerkom said he strongly supports Senate Joint Resolution E, a constitutional amendment that would define what constitutes public use and clearly state that land cannot be taken away for private-economic purposes. If approved by two-thirds of the Legislature, the constitutional amendment would be on the ballot for the November 2006.

"Our nation was founded on the principle of private-property rights," Van Woerkom said. "We must preserve that principle so well-connected developers can't persuade local officials to evict Michigan residents."

The 5-4 U.S. Supreme Court decision upheld a Connecticut city's taking of private homes to be demolished and the land transferred to private developers to build an office complex. The court also ruled that states and municipalities have the ability to provide more protection of private property rights. The Michigan Supreme Court has ruled in favor of property owners previously, but lawmakers want to ensure that position doesn't change.

Related legislation would strengthen Michigan's existing eminent-domain statute and clarifies that private business economic development could not fall under this "public use" definition.

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